

such a high office as this. I am afraid, sir, as the gentleman from Queen Anne's just now said, to go further than I feel the ground firm under my feet. I admit that we are living in an age when we are sweeping on to some point unknown. Not only we of the United States, but the whole civilized world, are in a state of progress towards some point that no man can see. We are told by astronomers that the sun, with all its planets and their attendants, is moving forward in the vast sidereal system towards some spot which we are unable to see, although they can tell us the direction. So the whole civilized world is moving forward in a state of progress towards some point which we cannot discern; and all that we know is, that it is in favor of popular rights. It is sometimes called progressive Democracy; but whatever be the term that may be applied to it, I believe in that fact, and I belong to that school. I am willing to move on. This Convention is a striking proof of the existence of that onward motion of the entire community in which we live. But in going forward, I am desirous of going gradually, step by step, and no further than we can see where we are about to tread.

What great evil will result from the adoption of this provision? Ten years hence, if this constitution be adopted, the people will have it in their power to call another Convention to change it, and in twenty years they may change it. Let us see how it works. Let us apply the touchstone of experience to it. As we move on in this regular progression, we can correct our course, or the people can correct it, as far as they may think it necessary. I know that I may be thought unfaithful to the school to which I have just said that I belong—that of onward motion. I admit that the people of the age in which we live are remarkable for a continued and an increasing activity in the public mind. There is no question in ethics, in politics, in religion, in science, that is not now made as familiar to the mass of the people as household words. The cheap press has done it. The cheap issue of books has familiarized them to all these investigations. You hear every where in societies discussions upon the deepest questions of political economy, as you ride along the road or in the cars. The effect of a high tariff, one of the most difficult questions of political economy, is discussed every where. The people take an interest in every thing that transpires. There is not a man tried in Boston for murder, but the whole community in the United States read daily the evidence published, and form an opinion as to the innocence or guilt of the man. The discovery of that new planet—the most brilliant effort of human genius, is not only made known to the school-boy, but he is familiar with the mode by which this sublime discovery was made. So it is with all questions of science and politics. I admit that condition of the mind of our people. I am willing to conform to it. I would give them all the power that they desire—all the power that they ought to have. My distrust is not in the peo-

ple—it is in the man who fills the office of judge. I distrust him. I think it is said that the people will have a supervisory control over his action when he comes before them a candidate for re-election. I am not willing to bring the judges before the people as a tribunal of review. It would confuse them, and embarrass them. They would be unable to form a collected opinion upon his judicial decisions of the last ten years. I fear the effect of the temptation upon the mind of the individual; and therefore, according to my present judgment, I am willing to let one judge occupy the bench for ten years, and then let some body else take the place.

Mr. SPENCER. I have been so much accustomed to accord with the opinions of the gentleman from Baltimore county, (Mr. Howard,) that I regret now being obliged to respond to his remarks. It affords a beautiful spectacle in this Convention, and one which I have observed since the commencement of this important question, that it rises above all party considerations, and which, if we dispose of it aright, will occupy the same high and elevated platform before the people. I find myself upon this great question associated with gentlemen of high political station of the opposite party to my own, and I find myself separated from others with whom, upon party questions, I have been closely associated. The moral spectacle is afforded to the community; that the judiciary question is above party strife.

This is no new question to me. For the last twenty-five years of my life, I have had my eye upon the question of judicial reform. And if there be a single point in it, which of all others I consider essential to the purity of the bench, it is the limitation of the tenure combined with re-eligibility. I would ten thousand times rather vote for the life-tenure of the judges, than to have it limited to ten years, and then not to have them re-eligible. I will venture to assert that, if you elect your judges for ten years, and if they are not re-eligible, they will be the vilest panders to party the world ever saw. I may be wrong; but that is my opinion; and I trust that there will not be afforded an opportunity to see whether my prediction may be true or not. I trust the Convention will see the matter as I see it, and avoid the evil which I apprehend.

The gentleman from Baltimore county has said that there is more force than in any other expression in our language, in that which we receive from the highest source—"lead us not into temptation." I concur with him; but I say that if you wish to lead the bench into temptation, then pursue the very course suggested by his argument. What sort of temptation would he be surrounded by? The judge is elected to the bench, and has no inducement whatever held out to him to pursue a high and elevated course. All the inducement he would have would be to reward the men who have elected him, and to punish those who have opposed him. If the judge is not re-eligible, and is such a man as would be liable to be led astray by temptation,